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MONTANA LEGISLATIVE HISTORY

Chapter 413 19 93

Bill H 606 S _____ Original bill & history ✓C

H. Committee on Highways & Transportation			S. Committee on Highways & Transportation		
Hearing Date(s)	Feb 19	✓C	Hearing Date(s)	Mar 18	✓C
		C			C
		C			C
		C			C
Date Out	Feb 18	✓C		Mar 19	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

2/12	REFERRED TO APPROPRIATIONS		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/18	FISCAL NOTE RECEIVED		
2/22	FISCAL NOTE PRINTED		
3/03	HEARING		
3/26	MISSED TRANSMITTAL DEADLINE		

HB 606 INTRODUCED BY ELLIS

REVISE WIDTH RESTRICTIONS APPLICABLE TO COMMERCIAL HAY GRINDERS

2/12	INTRODUCED		
2/12	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/12	FIRST READING		
2/17	HEARING		
2/19	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	97	3
2/23	3RD READING PASSED	92	7
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/18	HEARING		
3/19	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/20	2ND READING CONCURRED	32	9
3/22	3RD READING CONCURRED	39	9
	RETURNED TO HOUSE WITH AMENDMENTS		
4/01	2ND READING AMENDMENTS CONCURRED	86	11
4/02	3RD READING AMENDMENTS CONCURRED	82	17
4/07	SIGNED BY SPEAKER		
4/13	SIGNED BY PRESIDENT		
4/14	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 413		
	EFFECTIVE DATE: 10/01/93		

HB 607 INTRODUCED BY ELLIOTT, ET AL.

ALLOW LEASE OF STATE LAND TO DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR PUBLIC RECREATION AREA OR CAMPSITE

2/12	INTRODUCED		
2/12	REFERRED TO FISH & GAME		
2/12	FIRST READING		
2/16	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	87	11
2/23	3RD READING PASSED	88	11
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO FISH & GAME		
3/18	HEARING		
3/18	TABLED IN COMMITTEE		

HB 608 INTRODUCED BY BERGSAGEL, ET AL.

ALLOCATE PORTION OF RESOURCE INDEMNITY TAX PROCEEDS

BY REQUEST OF DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

2/12	INTRODUCED		
2/12	REFERRED TO APPROPRIATIONS		

HOUSE BILL NO. 606

INTRODUCED BY ELLIS

IN THE HOUSE

FEBRUARY 12, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 92; NOES, 7.
FEBRUARY 24, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 20, 1993	SECOND READING, CONCURRED IN.
MARCH 22, 1993	THIRD READING, CONCURRED IN. AYES, 39; NOES, 9.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 606

INTRODUCED BY [signature]

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE WIDTH RESTRICTIONS APPLICABLE TO HAY GRINDERS; AND AMENDING SECTION 61-10-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-10-102, MCA, is amended to read:

"61-10-102. Width. (1) Except as provided in subsection (2), no a vehicle, including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. This width for buses is allowed only on paved highways 20 feet or more in width.

(2) (a) Subsection (1) does not apply to an implement of husbandry or a vehicle used for hauling hay, moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle used for hauling hay. If the implement or vehicle is more than 12 feet wide, it must be preceded by ~~flagman~~ flag vehicle escorts to warn other highway users. This restriction does not apply to dual-wheel tractors under 15 feet overall width that are used in farming operations. Lights which meet the requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used for hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be preceded and followed by ~~flagman~~ flag vehicle escorts.

(b) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be granted a permit subject to the provisions of 61-10-121 through 61-10-127 and the following requirements:

(i) travel during daylight hours only for an oversize shipment of large round bales of hay, whether the vehicle is loaded or with an empty hay rack, up to 144 inches; when empty, a square red or orange flag measuring 12 inches on each side must be attached to each corner of the hay rack; and

(ii) travel day or night for any other shipment of baled hay, whether the vehicle is loaded or with an empty hay rack, up to 114 inches.

(c) Subsection (1) does not apply to a hay grinder moved or propelled upon the highway for a distance of not more than 100 miles if the movement is incidental to operations of the hay grinder. A hay grinder exceeding 102 inches in width must have a permit issued under 61-10-124. If the hay grinder is more than 12 feet wide, it must be preceded by flag vehicle escorts to warn other highway

LC 1200/01

users. Lights that meet the requirements of 61-9-219(4) must be displayed on the rear of the hay grinder. However, if the highway passes through a hazardous area, the hay grinder must be preceded and followed by flag vehicle escorts. Movement of a hay grinder that does not exceed 138 inches in width may occur on any day of the week, including holidays, and is not restricted to movement during daylight hours. Movement of a hay grinder may not exceed the posted speed limit, including the speed limit on an interstate highway.

(3) A safety device that the department determines by rule adopted pursuant to 61-9-504 to be necessary for safe and efficient operation of motor vehicles is not included in the calculation of width provided in subsection (1)."

-End-

was never her intention to close a highway and that is not the purpose of HB 310. This would not give the Department of Transportation the authority to over-regulate. The Department needs the rulemaking authority.

HEARING ON HB 572

Opening Statement by Sponsor:

REP. PATRICK GALVIN, HD 40, Great Falls, stated HB 572 is being introduced at the request of the Departm[illegible] HB 572 is an act revising the fees for o[illegible] permits. Trucks carrying loads [illegible] required to get an overweight permit. This bill would revise those fees.

Proponents' Testimony:

Dave Galt, Montana Department of Transportation, stated he supports HB 572. **EXHIBITS 9, 10, and 11**

Carl Schweitzer, Montana Contractors Association, stated he supports the concept but does not support the increased fees.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

REP. GALVIN thanked the committee for a fair hearing.

HEARING ON HB 606

Opening Statement by Sponsor:

REP. ALVIN ELLIS, HD 84, Red Lodge, stated HB 606 is an act requesting the Montana Department of Transportation to change the rules regarding hay-grinders. This bill will allow hay-grinders to travel on Montana Highways on holidays, after dark, and to travel on the interstate system at 65 miles per hour. These grinders are required to have lighting and are well marked for traffic. The grinders are used to travel from one ranch to another and do not spend a lot of time on the roads. There are only two commercial grinders in the state. These grinders require eight feet nine inches of road when the narrowest paved road is ten feet wide.

Proponents' Testimony:

Chester Faust, C & B Hay-grinders, allowed the committee to view a video tape he brought to show a hay-grinder going down the road. He stated there is no obstruction of on coming traffic. There is no problem passing semi-trucks. He stated it is safe compared to some of the loads you can't see around that are on the highways now. He stated he has never had an accident traveling with the hay-grinders. Right now we are restricted and cannot travel on six of our busiest days.

Jay Leachman, rancher, Bozeman, stated it is a burden to the ranchers having these hay-grinders restricted. We need to get our crops ground in a timely manner. With these restrictions it is impossible at times to accomplish. The grinding season is limited and with these restrictions it is a large burden.

REP. MARIAN HANSON, HD 100, Ashland, spoke in favor of HB 606.

Opponents' Testimony:

Col. Bob Griffith, Montana Highway Patrol, stated his only problem with HB 606 would be the traveling at night. He feels that these oversized vehicles could be confusing to those traveling at night.

Dave Galt, Administrator of Motor Carriers Services Division, Montana Department of Transportation, spoke against HB 606. **EXHIBITS 12, 13, and 15.**

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. TASH asked if there were any questions about the "red route" time limits. **Mr. Faust** stated the only question he would have would be the road coming to Helena because it is excessively wide.

REP. TASH asked if the weekend restriction was too much of a problem. **Mr. Faust** stated no.

REP. VOGEL asked about lifting the speed restriction. **Col. Griffith** stated he would not see a problem lifting the speed restriction if they were traveling during daytime hours.

REP. RYAN asked how many hay-grinders are operating in the state. **Mr. Faust** stated he has four, and there are two or three other commercial operators. There are several individual ranchers that have there own grinders.

REP. BARNETT asked if all the hay-grinders **Mr. Faust** owns are the one's you can see around. Would we be opening the avenue to the grinders that can't be seen around. **Mr. Faust** stated he

currently has grinders you can see around. He said he could not speak to other grinders.

REP. VOGEL asked what the definition of a hay-grinder is, for the purpose of this statute. **REP. ELLIS** stated the definition should include commercial. He also stated he doesn't believe that there is a definition of a hay-grinder.

REP. VOGEL stated the way it is written in HB 606 a hay-grinder is anything of any size that grinds hay. **REP. ELLIS** stated that all of the machines made in recent years are like those seen on **Mr. Faust's** video shown earlier. The non-commercial grinders are also easy to see around.

REP. VOGEL asked if **REP. ELLIS** would insure that all future hay-grinders are not any larger than the one's mentioned. **REP. ELLIS** stated he could not make any assurances.

REP. MASON asked if the Department would have a problem with the grinders hauling on holidays. **Mr. Galt** stated no, but he would like to see the traffic shifts we have on the holidays.

REP. ANDERSON asked if the committee amends this so they could not travel at night would the Department have a problem with this bill. **Mr. Galt** replied, no.

REP. VOGEL stated he does not have a problem with **Mr. Faust's** hay-grinder. His concern would be the other grinders out there. He asked if there could be a definition of a hay-grinder put in HB 606. **Mr. Galt** stated he feels there could be a definition of a hay-grinder, but is not able to write one.

REP. RYAN asked if it would be easier to address the configuration of these grinders. **Mr. Galt** stated if you don't address the particular size you could open it up to anything and feels that you would have to define a hay-grinder.

REP. STANFORD stated he feels this could be a good bill if the two groups could get together and work something out. **Mr. Faust** stated the manufacturers limit the size of these grinders.

REP. VOGEL asked if the state of Montana said a hay-grinder can travel these roads and we do not give a size, would that hay-grinder be built larger. **Mr. Faust** stated there is no reason for these grinders to be built any larger; they are as big as needed.

REP. HANSON asked if the committee passes this bill out due to time constraints, could we have a guarantee that when it gets to the Senate you would have the kinks ironed out. **REP. ELLIS** said he would be happy to work with someone to get the definition and measurements into the bill.

REP. CLARK asked if the manufacturers made a light kit for these grinders. **Mr. Faust** stated no, we would have to install lights

on the flair of the grinder. Lights are already installed on the rest of the grinder.

REP. GALVIN stated he noticed the conveyor belt extended out from the grinder and asked if there was anyway it could be broken down at all. **Mr. Faust** stated they do fold in half.

Closing by Sponsor:

REP. ELLIS stated some of those "red route" roads are quit wide and the grinders should be able to travel on some of those roads. He feels the weekends should be opened up also. These grinding machines are expensive and their time is limited. The time needs to be better utilized to save both the hauler and renter money.

EXECUTIVE ACTION ON HB 530

Motion: **REP. MASON MOVED HB 530 DO PASS.**

Discussion: **REP. CLARK** stated there was a question the other day when we heard this bill if this would jeopardize the ISTEA funding. There are people here to discuss this question with us.

Dave Galt, Montana Department of Transportation, presented written testimony. **EXHIBITS 16, 17, 18, and 22**

Jim Becker, Montana Department of Transportation, stated the truck-trailer-trailer combination is approved and the ISTEA funding would not be jeopardized by this bill.

REP. ENDY asked about the two mile access provision. **REP. CLARK** stated it is from the interstate to their home terminal.

REP. GALVIN stated he went back two years to the original meeting on these trucks and ran copies of the minutes. He asked if **Mr. Ogle** could go beyond the designated routes. **EXHIBIT 14** **Mr. Galt** stated he is not allowed to go beyond these designated routes.

REP. GALVIN asked if **A.M. Wells** is allowed to go beyond these designated routes. **Dave Galt** stated **A.M. Wells** is the only company that is allowed to operate beyond designated routes. They have taken advantage of the situation and moved into other company's areas of operation.

REP. GALVIN stated we restricted these vehicles because of the safety factor. At that time they did not have brakes on the two trailers.

REP. MASON asked if we would strike line 23, page 5, paragraph 7, would this put it back into the Department of Transportation's hands for permits. **Mr. Galt** said yes.

EXECUTIVE ACTION ON HB 310

Motion: REP. WINSLOW MOVED HB 310 DO PASS.

Discussion:

REP. WINSLOW said that two weeks ago negotiations started in her area. She stated this bill was not against the trucking industry.

REP. MASON stated he was against HB 310. This bill would be hard on the beet growers and the loggers.

REP. WINSLOW stated the beet haulers use the interstate.

Motion/Vote: REP. LARSON MADE A SUBSTITUTE MOTION THAT HB 310 BE TABLED. Motion carried with REPS. WINSLOW, WHALEN and KELLER voting no.

EXECUTIVE ACTION ON HB 606

Motion: REP. MASON MOVED HB 606 DO PASS.

Discussion:

REP. HANSON stated she would like to amend HB 606. EXHIBIT 24

REP. VOGEL said we do not have a definition for hay-grinder.

Motion/Vote: REP. VOGEL MADE A SUBSTITUTE MOTION HB 606 BE TABLED. Motion failed with REPS. GALVIN, VOGEL, WHALEN, WINSLOW and CHAIRMAN CLARK voting yes.

Motion/Vote: REP. HANSON MOVED HB 606 BE AMENDED. Motion carried with REPS. GALVIN, REP. VOGEL and MASON voting no.

Discussion:

REP. VOGEL stated we need to define a commercial hay-grinder.

Motion/Vote: REP. MASON MOVED TO AMEND HB 606. Motion carried with REP. HANSON voting no. EXHIBIT 24

Discussion:

REP. WHALEN asked if we could have permits for the holidays.

REP. ELLIS stated this would not create a problem for them to travel on holidays. It is affecting three holidays.

Vote: HB 606 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 572

Motion: REP. LARSON MOVED HB 572 DO PASS.

Discussion: None.

Motion/Vote: Question was called. Voice vote was taken.

Vote: HB 572 DO PASS. Motion CARRIED with REP. HANSON AND REP. ANDERSON voting no.

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL DATE 2-17-93

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 606 (first reading copy -- white) do pass as amended .

Signed: _____
Robert C. Clark, Chair

And, that such amendments read:

1. Title, line 5.
Following: "TO"
Insert: "COMMERCIAL"

2. Page 2, line 19.
Following: "to a"
Insert: "commercial"

3. Page 2, line 20.
Following: "highway"
Insert: "during daylight hours"

4. Page 2, line 22.
Following: "of the"
Insert: "commercial"
Following: "A"
Insert: "commercial"

5. Page 2, line 24.
Following: "If the"
Insert: "commercial"

6. Page 3, line 2.
Following: "of the"
Insert: "commercial"

7. Page 3, line 3.
Following: "the"
Insert: "commercial"

8. Page 3, line 5.
Following: "of a"
Insert: "commercial"

9. Page 3, line 7.
Following: "is"
Strike: "not"

10. Page 3, line 8.
Following: "of a"
Insert: "commercial"

-END-

2/18/93 2:55

Montana Department of Transportation
Helena, Montana 59620

EXHIBIT 15
DATE 2-13-93
HB 606

Memorandum

To: David A. Galt, Administrator
Motor Carrier Services Division

From: Rick D. Rogne, Supervisor
Statistics Section

Date: February 16, 1993

Subject: Highway Lane Width

As per your request, following are some highway statistics concerning mileage of surfaced roadway width on our primary and secondary highway systems.

806 miles of our primary highway system has a surfaced roadway width less then 24 feet. Of this mileage, 621 miles are 22 feet or less and 252 miles are 20 feet or less.

401 miles of our paved secondary roads have a surfaced roadway width less then 24 feet. Of this mileage, 289 miles are 22 feet or less and 119 miles are 20 feet or less.

In the past we have equated lane widths by dividing the surfaced roadway width by two.

RR:1.hlw

all the skiers from Canada use this port of entry to cross into Montana to ski in the Flathead area. He stated a lot of traffic moves across the border at Carway.

CHAIRMAN WEEDING asked if there was currently a port which was open for 24 or 16 hours on the East side of the mountain. **Rep. Gervais** replied the border at Coutts was open 24 hours a day. He said that in the summertime three ports on the Reservation are open. He added in the wintertime there are only two open ports with Carway being the main one.

SEN. SWYSGOOD asked if the port located in **Rep. Peterson's** district was open 24 hours a day. He said she had carried a resolution to accomplish that and he had understood that the resolution had been successful.

Rep. Gervais said that port was in Eureka. He said **Rep. Peterson** was helping him with HJR 10.

CHAIRMAN WEEDING asked if the port at Carway would be the middle port of entry in that part of Montana. **Rep. Gervais** explained skiers from Canada use the port at Carway. He said the entire Flathead area would benefit from this during the wintertime. He added that many Flathead communities and businesses were enthused about the possibility of extending the port's hours.

SEN. SWYSGOOD asked if the Coutts port would be open 24 hours to the west of Carway, the Eureka port would be open 24 hours to the east of Carway were HJR 10 successful.

Rep. Gervais replied yes with the exception of the directions. Eureka would be to the west, Coutts would be to the east and Carway would be in the middle.

Closing by Sponsor:
Rep. Gervais closed and stated he would appreciate it if a committee member would carry HJR 10 on the Senate floor.

HEARING ON HOUSE BILL 606

Opening Statement by Sponsor:
Rep. Ellis, House District 84, stated HB 606 would facilitate the cattle feeding done on lots in Montana, especially during the winter. He explained most people either winter or background calves on their lots and use chopped hay for that purpose. He added some farmers and ranchers grind their own hay, but said the majority rely on a commercial hay grinder. **Rep. Ellis** described the most common commercial hay grinder which is towed behind a pickup and is narrower in chassis than the pickup. He distributed an amendment to HB 606 which defined a "hay grinder" (Exhibit #2) and explained that some committee members in the [illegible] grinder's size might increase. **Rep.**

Ellis assured the Committee he did not think an increase in size was a viable alternative for this piece of machinery.

Rep. Ellis stated HB 606 would allow commercial hay grinders go be moved on the roads during daylight hours and on holidays at the posted speed limit. He said this permission would not be setting a national precedent; in Nebraska, for example, hay grinders are considered agricultural implements and can be moved at night. He noted HB 606 had originally asked for permission to move at night as well, but that provision had been removed from the bill due to protests from the DOT and the Highway Patrol. He emphasized the fact that when a motorist pulls up behind a commercial hay grinder on a highway, the pickup poses more of a restriction to visibility than the grinder itself. He assured the Committee that the width of the hay grinder did not make it difficult to pass, even on the narrowest roads in Montana.

Rep. Ellis stated HB 606 could be construed as special interest legislation since it would apply just to hay grinders, but he argued HB 606 would be beneficial for many ranchers and farmers who feed cattle. He explained that over the Christmas and New Year season, especially when the holidays fall on weekdays, the amount of ranchers and farmers a commercial hay grinder can serve is severely limited. He stated that is a problem because the cattle eat more hay when it is cold and said there is usually a need to grind hay oftener at that time of year.

Proponents' Testimony:
Chester Faust, Owner, C & B Hay Grinder, said his company has four hay grinders and has been in business for 15 years. He stated no one in his company has had problems moving hay grinders on the highway. He emphasized that hay grinders inhibit visibility much less than regular trucks, and, although they are hauled on extremely narrow roads, even trucks have no problem passing. He said this year his company could not service farmers for six days in December because the holidays fell on weekdays. According to **Mr. Faust**, six days during the coldest part of winter is a "very long" time if a farmer or rancher runs out of feed. He stated that by allowing the transport of hay grinders on holidays and weekends, HB 606 would alleviate this problem. He added that there is never much highway traffic on Christmas Day and New Years Day.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:
SEN. TOEWS asked **Dave Galt** to define a "hazardous area" as it is used in HB 606 on page three, line four. **Dave Galt** replied a "hazardous area" could be several things: a narrow road, a problem with a roadway, etc.

After stating he would probably support HB 606, **SEN. SWYSGOOD** observed he did not agree with the exemptions afforded machinery under an agricultural license. He stated commercial haulers with over-sized loads are restricted to certain hours on weekends and from hauling on holidays even though they could be hauling the same hay as carriers licensed under farms or ranches. He stated those regulations exist as a safety precaution. He added he did not believe a farmer hauling hay presented less of a safety risk than a commercial carrier hauling the same load.

SEN. SWYSGOOD asked **Dave Galt** if the current rules relating to holidays or weekends would restrict commercial carriers from operating on three day weekends. **Dave Galt** responded that on the six big holidays, Christmas, New Years, Fourth of July, Memorial Day, Labor Day and Thanksgiving, a commercial carrier would be shut down the entire weekend. **SEN. SWYSGOOD** asked if that restriction was determined by statute or administrative rule. **Dave Galt** replied it was determined by administrative rule.

SEN. REA asked if carriers who had an oversized piece of equipment would be required to obtain a permit every time they moved that equipment, or if they could apply for a year-long permit. Dave Galt replied they could get a permit for the entire year.

SEN. REA asked if it were hard to get such permits for weekend travel. **Dave Galt** said permits valid for the entire year including weekends are available, but added during the six big yearly holidays, the entire weekend is shut down to oversize travel.

SEN. SWYSGOOD said HB 606 would allow hay grinders to be transported during those times which are restricted; if HB 606 passed that transport could take place any day of the week during the daylight hours including holidays, Saturdays and Sundays. **SEN. REA** asked if that would include the six big holidays. **Dave Galt** replied yes.

After referring to his urban background, **SEN. MCCLERNAN** asked why anybody would want to grind hay. He asked if it was fed to cows that did not have good teeth. **Rep. Ellis** replied many people grind hay because they are wintering or backgrounding light, thin calves weighing 500 lbs. or less. He explained those calves cannot take on enough forage if they are grinding it themselves because they do not initially grind it fine enough. He said smaller calves gain more weight if their hay is ground for them. He mentioned that other people grind hay because they use a mixer wagon to feed their cattle.

<u>Closing by Sponsor</u>:
Rep. Ellis said he would support **SEN. SWYSGOOD** wholeheartedly in his fight to lift the restrictions on commercial carriers. He said those restrictions adversely affect agriculturalists, because they cannot use commercial haulers when they come up

short. He informed the Committee that the commercial hay grinders are not over-the-road vehicles but are on the highway just to get from one place to another. He said **Mr. Faust** quite often grinds hay well into darkness and has to unhook, go home and come back the next morning to move to his next operation. **Rep. Ellis** explained commercial hay grinders are very expensive because they have 350 horsepower engines. He stated the fewer hours **Mr. Faust** can operate, the more expensive it is for farmers and ranchers.

EXECUTIVE ACTION ON SENATE BILL 373

SEN. SWYSGOOD informed the Committee that **SEN. STANG** had left proxy votes with him, and that he would give **SEN. STANG's** vote each time the Committee took action (Exhibit #3).

Motion:
SEN. MCCLERNAN moved SB 373 DO PASS.

Discussion:
SEN. REA asked that the content of SB 373 be clarified.

CHAIRMAN WEEDING and **SEN. SWYSGOOD** briefly explained the content of SB 373. **CHAIRMAN WEEDING** noted that SB 373 would accommodate the banking community by helping them keep track of security interests. He said SB 373 would require all vehicle titles to be filed with the Motor-Vehicle Division, Department of Justice. He said SB 373 would also raise the filing fees on off-road vehicles to make them consistent with the fees charged for other motor vehicles.

Vote:
The MOTION FAILED with **SEN. TVEIT, SEN. SWYSGOOD, SEN. KOEHNKE, SEN. TOEWS,** and **SEN. STANG** voting NO.

Motion/Vote:
SEN. SWYSGOOD moved to TABLE SB 373. The MOTION CARRIED with **SEN. MCCLERNAN, SEN. REA,** and **CHAIRMAN WEEDING** voting NO.

EXECUTIVE ACTION ON HOUSE BILL 232

Discussion:
CHAIRMAN WEEDING asked **SEN. SWYSGOOD** if he had received the information he had requested on HB 232. **SEN. SWYSGOOD** replied he had, and he said favored HB 232 because it would make Montana statute consistent with federal statute.

Motion/Vote:
SEN. REA moved HB 232 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. **SEN. STANG** will carry HB 232 on the Senate floor.

having to change them. **SEN. BRUSKI-MAUS** replied she believed individual business people had that responsibility.

SEN. MCCLERNAN asked if not taking action on the amendments would pose problems for the Code Commissioner. **Tom Gomez** replied no, but added the Code Commissioner was only seeking consistency in the use of terminology in the Montana statute.

CHAIRMAN WEEDING commented that HB 496 could be amended to include a coordinating instruction. **SEN. BRUSKI-MAUS** stated any time a name is officially changed, all signage has to reflect that official change. **SEN. SWYSGOOD** stated he agreed and he did not feel comfortable changing the language. **SEN. BRUSKI-MAUS** stated she agreed with **SEN. SWYSGOOD.**

The Committee decided to move on and let the Committee dealing with HB 496 worry about including a coordinating instruction in that bill.

Tom Gomez explained that the second set of amendments provides specifically for the disposition of revenue from penalties for handicapped parking law violations (Exhibit #9).

CHAIRMAN WEEDING noted that due to lack of interest in the amendment the Committee should move on.

Motion/Vote:
SEN. BRUSKI-MAUS moved HB 478 BE CONCURRED IN AS AMENDED. The MOTION CARRIED UNANIMOUSLY. **SEN. BRUSKI-MAUS** will carry HB 478 on the Senate floor.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 10

Motion:
SEN. REA moved HJR 10 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. **SEN. REA** will carry HJR 10 on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 606

Motion:
SEN. MCCLERNAN moved HB 606 BE CONCURRED IN.

Discussion:
SEN. TOEWS stated he would like to amend HB 606, and **SEN. MCCLERNAN** withdrew his motion.

Motion:
SEN. TOEWS moved to amend HB 606 to strike the provision referring to "hazardous areas" (Exhibit #10).

Discussion:
SEN. TOEWS stated "hazardous areas" were not defined clearly enough in the statute. **CHAIRMAN WEEDING** commented that **Dave Galt** had not been able to supply the Committee with much of a definition.

SEN. REA stated he thought bridges or narrow tunnels would be hazardous areas. He added he did not know if an all-encompassing definition was possible.

SEN. TOEWS stated hay grinders could only be towed during daylight hours and areas where there might be hazards could be addressed just by a common sense approach. **SEN. SWYSGOOD** expressed his support of the amendment and **SEN. TOEWS** comments. He stated if hay grinders could be hauled at night that would make a difference, but added that including that section in HB 606 would leave too much to the discretion of sometimes overzealous Gross Vehicle Weight (GVW) inspectors.

CHAIRMAN WEEDING agreed no problem would exist if a "hazardous area" were concretely defined in either rule or statute, but said that since it was not he agreed with the amendment.

SEN. TVEIT stated the reference to "hazardous area" was already in MCA 61-10-102, subsection 2. **SEN. SWYSGOOD** said if that was already in the law, it was not needed in HB 606.

Tom Gomez agreed the reference to "hazardous area" was both in HB 606 and in law. He commented on the similarity in the language used in both places. He said the only difference was that commercial hay grinders were specifically mentioned in HB 606.

CHAIRMAN WEEDING stated it was not necessary to have the definition in two places in the statute.

Vote:
The MOTION CARRIED UNANIMOUSLY.

Motion:
SEN. MCCLERNAN moved HB 606 BE CONCURRED IN AS AMENDED.

Discussion:
CHAIRMAN WEEDING stated the sponsor had introduced another amendment (Exhibit #2). **SEN. MCCLERNAN** withdrew his motion.

Tom Gomez informed the Committee the amendment would add the definition of a "hay grinder" to HB 606.

Motion:
SEN. MCCLERNAN moved THE AMENDMENT (Exhibit #2).

Discussion:
SEN. TVEIT and **SEN. SWYSGOOD** argued that the amendment would insert a definition which was too specific into HB 606.

SEN. MCCLERNAN withdrew his motion.

SEN. TVEIT stated it was a bad amendment.

Motion/Vote:
SEN. MCCLERNAN moved HB 606 BE CONCURRED IN AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 4:53 p.m.

SENATOR CECIL WEEDING, Chair

BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORT. DATE MAR. 1[illegible]

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CECIL WEEDING, CHAIR	X		
SENATOR BETTY BRUSKI-MAUS, V-CHAIR	X		
SENATOR DARYL TOEWS	X		
SENATOR JOHN HARP		X	
SENATOR FRANCIS KOEHNKE	X		
SENATOR JACK "DOC" RIEA	X		
SENATOR LARRY TVELT	X		
SENATOR CHARLES SYLOSGOOD	X		
SENATOR BARRY "SPOOK" STANG	X		
SENATOR HENRY MCCLERNAN	X		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

March 19, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 606 (first reading copy -- blue), respectfully report that House Bill No. 606 be amended as follows and as so amended be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

That such amendments read:

1. Page 3, lines 4 through 6.
Following: line 3
Strike: line 4 through "escorts." on line 6

-END-

rn- Amd. Coord.
Sec. of Senate

McClernan
Senator Carrying Bill

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SENATE HIGHWAYS
EXHIBIT NO. 2
DATE March 18, 1993
BILL NO. HB606

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Highways

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AND TRANSPORTATION
IMITTEE

of March 18, 1993**

held in Room 410 at 3:00 p.m.

sday, March 18

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At Carway Open 16 Hours

Fee Schedule

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Tuesday, March 23

sday, March 25

To Issue Special Permits
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Roadway Within A Crosswalk

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-- Approp. Money To Justice
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Executive Action)

County or Group of Counties
A Rail Authority

Amendments to House Bill No. 606
Third Reading Copy

For the Senate Highways and Transportation Committee

Prepared by Tom Gomez
March 19, 1993

SENATE HIGHWAYS
EXHIBIT NO. 10
DATE March 18
BILL NO. HB 606

1. Page 3, lines 4 through 6.
Following: line 3
Strike: line 4 through "escorts." on line 6